

A-5998
Variance Request

Construct a box-bay addition, a portion of which would encroach twelve (12) inches into the east (side) seven (7) foot side yard setback.

Mr. & Mrs. Michael Summerfield
7 Oxford Street

7 Oxford Street



Figure 1: View of 7 Oxford Street. Subject bay is on the east (right) side towards the rear of the house.



Figure 2: Location of proposed box bay is where the replacement floor joists for the kitchen protrude above.

**CHEVY CHASE VILLAGE
NOTICE OF PUBLIC HEARING**

Please take notice that the Chevy Chase Village Board of Managers will hold a public hearing on the 10th day of October, 2011 at 7:30 p.m. The hearing will be held at the Chevy Chase Village Hall at 5906 Connecticut Avenue in Chevy Chase, Maryland.

**APPEAL NUMBER A-5998
MR. & MRS. MICHAEL SUMMERFIELD
7 OXFORD STREET
CHEVY CHASE, MARYLAND 20815**

The applicants seek a variance from the Board of Managers pursuant to Section 8-11 of the Chevy Chase Village Building Code to construct a box-bay addition, a portion of which would encroach twelve (12) inches into the east (side) seven (7) foot side yard setback.

The Chevy Chase Village Code § 8-17 (g) states:

“No part of any building, structure or play equipment of any description shall be erected or maintained within seven (7) feet of the side or rear lot lines nor within ten (10) feet of the nearest adjacent dwelling.”

Additional information regarding this appeal may be obtained at the Chevy Chase Village Office between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, may be viewed on the Village website at www.chevychasevillagemd.gov or you may contact the office for this information to be mailed to you.

This notice was mailed to abutting and confronting property owners on the 29th day of September 2011.

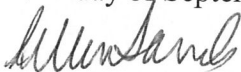
**Chevy Chase Village Office
5906 Connecticut Avenue
Chevy Chase, Maryland 20815
301-654-7300**

MAILING LIST FOR APPEAL A-5998

**MR. & MRS. MICHAEL SUMMERFIELD
7 OXFORD STREET
CHEVY CHASE, MD 20815**

Adjoining and confronting property owners	
Mr. & Mrs. Dean Monroe Or Current Resident 5 Oxford Street Chevy Chase, MD 20815	Ms. Elisabeth Boas & Mr. Arthur B. Spitzer Or Current Resident 11 Oxford Street Chevy Chase, MD 20815
Ms. Natalie B. Wilensky & Mr. Robert B. Bellinger Or Current Resident 2 Oxford Street Chevy Chase, MD 20815	Mr. & Mrs. Dale Jones Or Current Resident 4a Oxford Street Chevy Chase, MD 20815
Mr. & Mrs. Porter Wheeler Or Current Resident 4 Oxford Street Chevy Chase, MD 20815	Mr. & Mrs. Edward C. McReady Or Current Resident 4 Primrose Street Chevy Chase, MD 20815
Mr. & Mrs. Clarke D. Camper Or Current Resident 6 Primrose Street Chevy Chase, MD 20815	Mr. & Mrs. David I. Granger Or Current Resident 8 Primrose Street Chevy Chase, MD 20815

I hereby certify that a public notice was mailed to the aforementioned property owners on the 29th day of September, 2011.



**Ellen Sands
Permitting and Code Enforcement Coordinator
Chevy Chase Village
5906 Connecticut Avenue
Chevy Chase, MD 20815**

**Chevy Chase Village
Building Permit Application**

Permit No: 5990

Property Address: <u>7 Oxford street</u>	
Resident Name: <u>Michael & Yael Summerfield</u>	
Daytime telephone: <u>Same</u>	Cell phone: <u>202-412-2850</u>
After-hours telephone: <u>Same</u>	
E-mail: <u>yael.kuttman@gmail.com</u>	
Project Description: <u>Rear Addition/Kitchen</u>	
<input type="checkbox"/> Check here if the construction will require the demolition of over fifty (50) percent of any existing structure.	
Primary Contact for Project:	
<input type="checkbox"/> Resident	<input type="checkbox"/> Architect
<input type="checkbox"/> Project Manager	<input checked="" type="checkbox"/> Contractor*
*MHIC/MD Contractor's License No. (required):	
Information for Primary Contact for Project (if different from property owner):	
Name: <u>Ralph Reeside</u>	
Work telephone: <u>301652 2337</u>	After-hours telephone: <u>Same</u>
Cell phone: <u>202-374-8070</u>	
E-mail: <u>Ralph@ChesapeakeRestorations.com</u>	
Will the residence be occupied during the construction project? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If no, provide contact information for the party responsible for the construction site (if different from above):	
Name:	
Address:	
Work telephone:	After-hours telephone:
Cell phone:	
E-mail:	
Parking Compliance:	
Is adequate on-site parking available for the construction crews? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If no, please attach a parking plan which minimizes inconvenience to neighboring residents, and indicate if the property is in a permit parking area.	
Will road closings be required due to deliveries, equipment or other reasons? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Building Permit Filing Requirements:
Application will not be reviewed until the application is complete

- ☒ Copy of stamped drawings approved by Montgomery County Department of Permitting Services (DPS) and the Historic Preservation Commission (HPC), if required. Every page of drawings must be clearly stamped.
- ☒ This application form, signed by resident.
- ☒ Boundary Survey
- ☒ Site Plan (see: Village Site Plan Checklist to ensure completeness)
- ☒ Building plans and specifications
- ☒ Tree Preservation Plan requested of Village arborist (see: Village Tree Inspection Request form). All required tree protections must be fully installed before any work begins.
- ☒ Filing Fee (due at time of application). Fees schedule is listed in Chapter 6 of the Village Code.
- ☐ Damage deposit or performance bond (due when Building Permit is issued). Amount of required deposit or bond will be set by Village Manager.

Once this permit application is complete, the Village Manager will review the application and accompanying documents and, under most circumstances, act on the application within 5 to 10 working days.

If the Montgomery County permit is suspended, revoked or lapsed, the Village permit is automatically suspended, revoked or lapsed.

No signs advertising the architect, contractor, or any other service provider may be posted on the work site.

I hereby certify that I have the authority to make the foregoing application, that the application is correct, that I have read and understood all requirements and that the construction will conform to the regulations of the Montgomery County Zoning Code, the Village Code including Urban Forest code, and any covenants and easements on the subject property.

Applicant's Signature: Yael Sr. **Date:** 8/9/11

To be completed by Village staff:

Is this property within the historic district?

Yes ☒

No ☐

Staff Initials:

ES

Date application filed with Village: 8/9/11

Date permit issued: 9/9/11

Expiration date: 9/9/12

<p>For Use By Village Manager</p> <div style="border: 2px solid black; padding: 5px; text-align: center;"> <h1 style="margin: 0;">APPROVED</h1> <p>SEP 9 2011</p> <p>Chevy Chase Chevy Chase Village Manager</p> </div>	<p>Application approved with the following conditions:</p> <p><i>[Signature]</i></p> <p>This permit excludes construction of the proposed "bay bay," which will be applied for as a separate</p>
<p>For Use By Village Manager</p> <div style="border: 1px solid black; height: 100px; position: relative;"> </div>	<p>Application denied for the following reasons:</p> <p>permit. The amended plans approved by the Village Manager on 9/9/2011 must remain on the job site during construction.</p>

<p>Filing Fees (due when application submitted)</p> <p>Permit Application Fee: \$ <u>250.</u> (see Permit Fee Worksheet)</p> <p>Tree Preservation Plan Fee: <input type="checkbox"/> \$250.00 <i>charged w/ other</i> <input type="checkbox"/> Not required for this project <i>permit</i></p> <p>TOTAL Fees: <u>\$250.00</u></p>	<p>Checks Payable to: Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815</p> <p>Date: <u>8/22/11</u> Staff Signature: <i>[Signature]</i></p>
<p>Damage Deposit/Performance Bond (due when permit is issued)</p> <p><input type="checkbox"/> \$ <u> </u> <input checked="" type="checkbox"/> Waived by Village Manager</p> <p>Cost of damage to R-O-W: (calculated at close-out) Amount of refund:</p>	<p>Checks Payable to: Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815</p> <p>Date: <u>9/9/2011</u> Staff signature: <i>[Signature]</i></p> <p>Date: <u> </u> Staff signature:</p>

<p><i>For Village Staff use:</i></p> <p>Field file for inspections by Code Enforcement Officer has been created: <input type="checkbox"/> Yes (Date: <u> </u>)</p>	
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1 ash.

Chevy Chase Village Application for a Variance

A variance is permission granted to a landowner to depart from the specific requirements of the Village zoning ordinance and allows a landowner to use land differently than specified in the ordinance. The variance is a written authorization from the Board of Managers permitting construction in a manner not otherwise allowed by the Village Code.

Subject Property:	7 Oxford st.	
Describe the Proposed Project:	Box Bay - Right side	
Applicant Name(s) (List all property owners):	Summerfield - Mike & Yael	
Daytime telephone:	202 412 2850	Cell: 410 961 4283
E-mail:	Michaelsummerfield@hotmail.com	
Address (if different from property address):		
For Village staff use:		
Date this form received:	9/19/11	Variance No: A-5998

Filing Requirements:

Application will not be accepted or reviewed until the application is complete

- ☒ Completed Chevy Chase Village Application for a Variance (this form)
- ☒ Completed Chevy Chase Village Building Permit Application
- ☒ A boundary survey or plat diagram with a margin of error of one tenth of a foot or less showing all existing structures, projections and impervious surfaces.
- ☒ Surveys, plats, engineering reports, construction plans/specifications or other accurate drawings showing boundaries, dimensions, and area of the property, as well as the location and dimensions of all structures/fences/walls/etc., existing and proposed to be erected, and the distances of such structures/fences/walls/etc., from the nearest property lines. These drawings shall incorporate and display reference dimensions from the boundary survey or plat diagram required above.
- ☒ Copy of Covenants applicable to the property except for variances from Sections 8-22, 8-26 or Article IV of Chapter 8 of the Chevy Chase Village Code.
- ☒ Variance fee (See fee schedule listed in Chapter 6 of the Village Code).

Affidavit

I hereby certify that I have the authority to submit the foregoing application, that all owners of the property have signed below, that I have read and understand all requirements and that I or an authorized representative will appear at the scheduled public hearing in this matter. I hereby authorize the Village Manager, or the Manager's designee, and/or the Board of Managers to enter onto the subject property for the purposes of assessing the site in relation to this variance request. I hereby declare and affirm, under penalty of perjury, that all matters and facts set forth in the foregoing application are true and correct to the best of my knowledge, information and belief.

Applicant's Signature: Yael Summerfield
Applicant's Signature: [Signature]

Date: 9/19/11
Date: 9/19/11

Describe the basis for the variance request (attach additional pages as needed).

Describe the special conditions of the property (e.g., odd shape, small size, sloping topography, abuts state highway, etc.) and how the property compares to other properties in the Village:

PLEASE SEE ATTACHED PAGES

Describe how enforcement of the building regulations would result in an unwarranted hardship and injustice because of the special condition(s) described above (i.e., describe (i) the unwarranted hardship and injustice that you claim exists and (ii) how the special conditions cause that unwarranted hardship and injustice):

PLEASE SEE ATTACHED PAGES

Describe how the proposed variance most nearly accomplishes the intent and purpose of the requirements of Chapter 8 of the Chevy Chase Village Code, entitled *Buildings and Building Regulations*:

In exercising its powers in connection with a variance request, the Chevy Chase Village Board of Managers may reverse or affirm, wholly or partly, or may modify the requirement, decision or determination as it deems appropriate.

Variance Filing Fee	Checks Payable To: Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815
<i>Per Village Code Sec. 6-2(a)(24):</i> <input checked="" type="checkbox"/> \$300.00 for new construction. <input type="checkbox"/> \$150.00 for replacing existing non-conformities. <input type="checkbox"/> \$300.00 for fences, walls, play equipment, trees, hedges, shrubbery in the public right-of-way. <input type="checkbox"/> Other: \$ _____ Fee Paid: \$300.00	Date Paid: 9/19/11 Staff Signature: Ellen Sand

UNWARRANTED HARDSHIP

This appeal for variance is respectfully submitted for the following reasons:

1. The existing house has the mildly updated original kitchen space and lay-out. This is not functional in anyone's appreciation a family's needs in the twenty first century.
2. Though the kitchen expansion of floor space equaling only forty seven (47) square feet seems slight by anyone's appreciation of space, it is a **huge and necessary improvement over the existing nonfunctional area. It is what is needed to bring both comfort in use, and long lasting and increased value to the property.**
3. The box bay is a critical part in making the house compare in usage and value to the homes around it by raising the suitability, comfort, usage, and presence of the home for a 21st CENTURY FAMILY.
4. If the box bay variance is denied, we will suffer extensively with the loss of needed improvements making our old home more usable, comfortable and attractive, and the monetary loss of value in marketability in the future.
5. It is our position that when we look at a list of positives and negatives regarding this minor extension of the kitchen wall, we start by asking , "Whom will it harm when it is built?"

We can not find an answer to that question.

- The proposed cantilevered bay **does not** alter the footprint of the existing house by in any way encroaching upon the east side property line by surpassing already existing structure. In fact it is within the existing roof overhang and also projects less than the extant front porch and right side angled bay.
 - Neither the County nor HPC felt that it harmed anyone, thing, or statute under their protection.
 - The neighbor to the east side of the property would not lose any utility, or value of their property. No encroachment or dramatic change in the view looking at the needed alteration of the appellants' home would be suffered by the east side neighbors.
 - Anyone driving, walking, or in any other way passing the home in the street from east to west would likely find offence: as the box bay would look like a part typical of the house and those around it.
6. Of course the HARDSHIP falls upon the appellant if their plea for variance is NOT approved. Please see number 2 above.
 - The appellant will suffer additional hardship by the delay of construction and the costs for redesign of the County and HPC approved plans.

DESCRIBE THE BASIS FOR THE VARIANCE REQUEST:

We request a variance to allow a cantilevered box bay construction on the east side of the house to enlarge the existing kitchen.

This particular property is long and narrow, only fifty (50) feet wide, and is unusual for properties in the Village which, as we understand, typically are a minimum of sixty (60) feet in width.

The house was built in 1917 by the developer, Harry Wardman. It is listed as "Historic."

The house next door to it on the west side, presently owned by the Monroe family, was built by the same developer and has, essentially, the same design and characteristics. This is being referenced because of a specific element of its design which informs the plea for approval of a variance due the Summerfield property.

There is a box bay on the west side of the Monroe house.

The plans for the new box bay have been **approved** by both Montgomery County Permitting processors and the Historic Preservation Commission (HPC).

Through research in designing the renovations for the house, we found many examples of houses in the area, built in the same period and style, which have box bays similar to the one necessary in this home's improvement(s).

CONTEST:

The proposed bay, projecting no more than twenty four inches (24") from the original wall, and less than an existing angled bay on the same wall, and less than the original existing front porch, and also projecting **LESS** than the overhang of the main roof which is over the proposed box bay, should not appear unusual or encroaching on space beyond the **existing** structure lines.

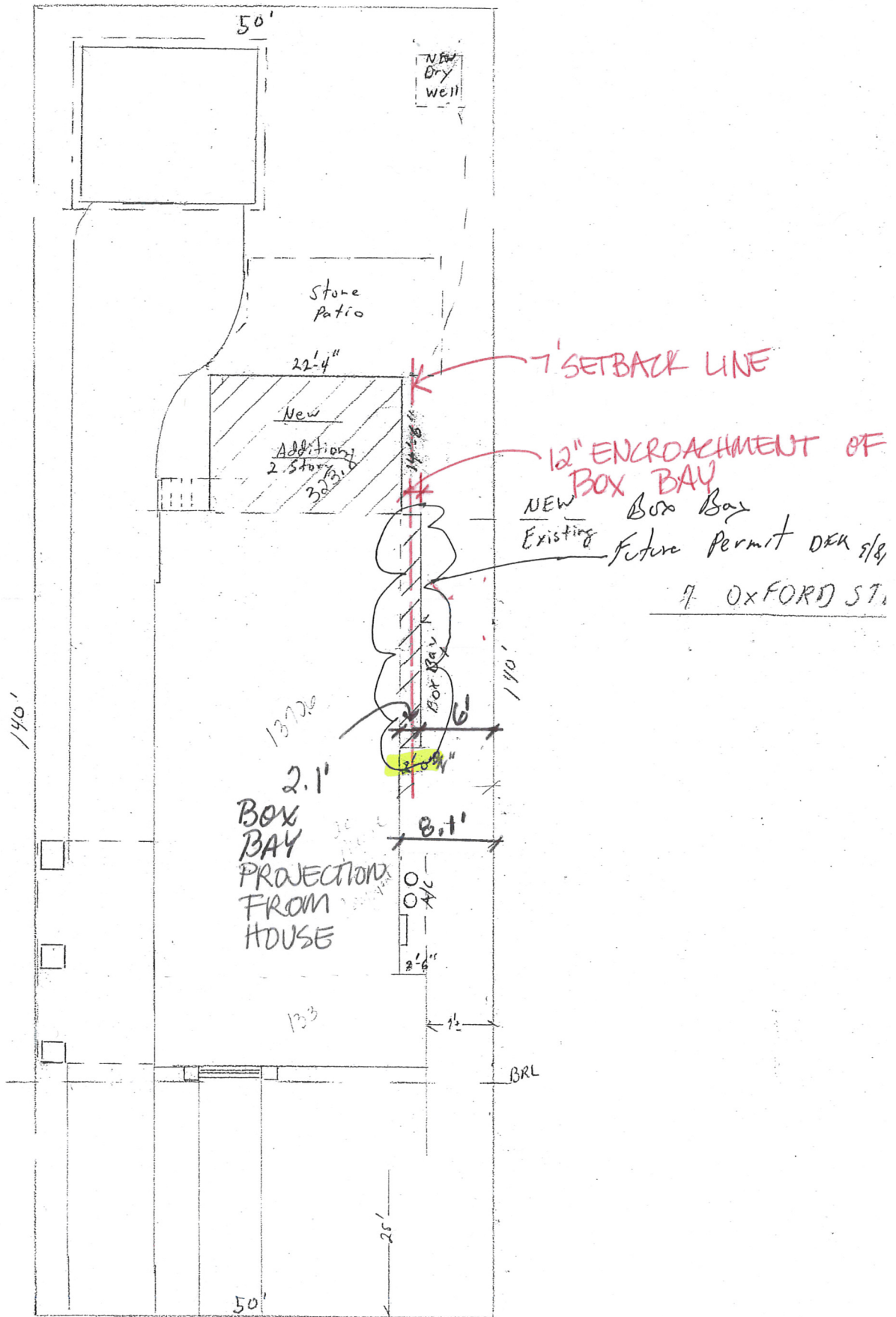
We have included in the box bay's wall the original window which will continue the appearance of the house (looking from the east side) as it has been for all its many years.

The idea of the design of the outside of the box bay was to make it blend with the house's original design, and also meet the requirements of the HPC in their approach to modifying historic properties. HPC complemented the design and approved it without contention.

COMPLIANCE WITH CHAPTER 8 REQUIREMENTS

Appellant believes to the best of their knowledge that their request for a variance complies with the intent and purposes of the Chapter 8 Requirements in that appellants' request for approval of a variance has stated its position that the proposed box bay would not harm the Village or any neighbor. Nor would it be out of line with existing structures.

Appellant also believes, with the utmost respect to all parties involved and all the residents of the Village, that they have proved elements of hardship that would result in the failure of the variance to be approved.



Proposed

OXFORD ST.
(NOT TO SCALE)

123012 2009

GAZETTE BLUES

123012 2009

CUMMANTIC

12312 2009

PROPERTY LINE

STAIR Illumination

123128 2009

2.1' BOX GAY PROJECTION

1.0' END PROJECTION

1.0' PERMIT PER 5/8" 11"

Box Bay Box Bay

Transom Window

ROOM # 7.24 1360 ROOM

Built-in

1360 ROOM

ROOM # 7.24

40" 11"

Existing Wall

ROOM # 7.24

5'0" 0" 11"

Existing
Hatch
pull Down

Library
Play Area

Box Bay TV FP

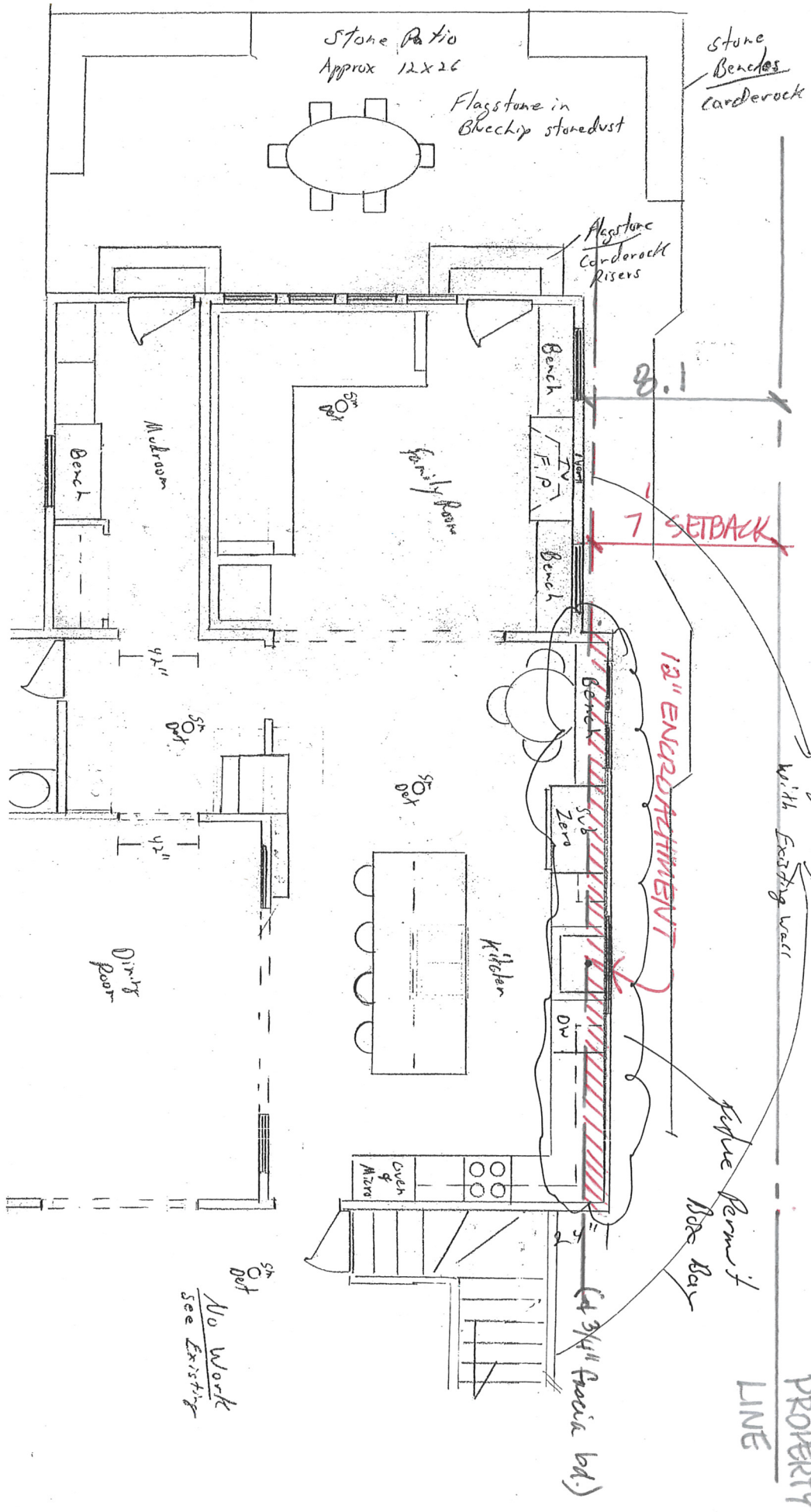
Box Bay

4'-6"

8'-6"

NOTE

BASEMENTS AND EVERY SLEEPING ROOM SHALL HAVE AT LEAST ONE WINDOW WITH A CLEAR OPENING OF 5.7 SQUARE FEET. THE MINIMUM CLEAR WIDTH SHALL BE 20" AND THE MINIMUM CLEAR HEIGHT SHALL BE 24" THE SILL HEIGHT



Also Addition wall
with Existing wall

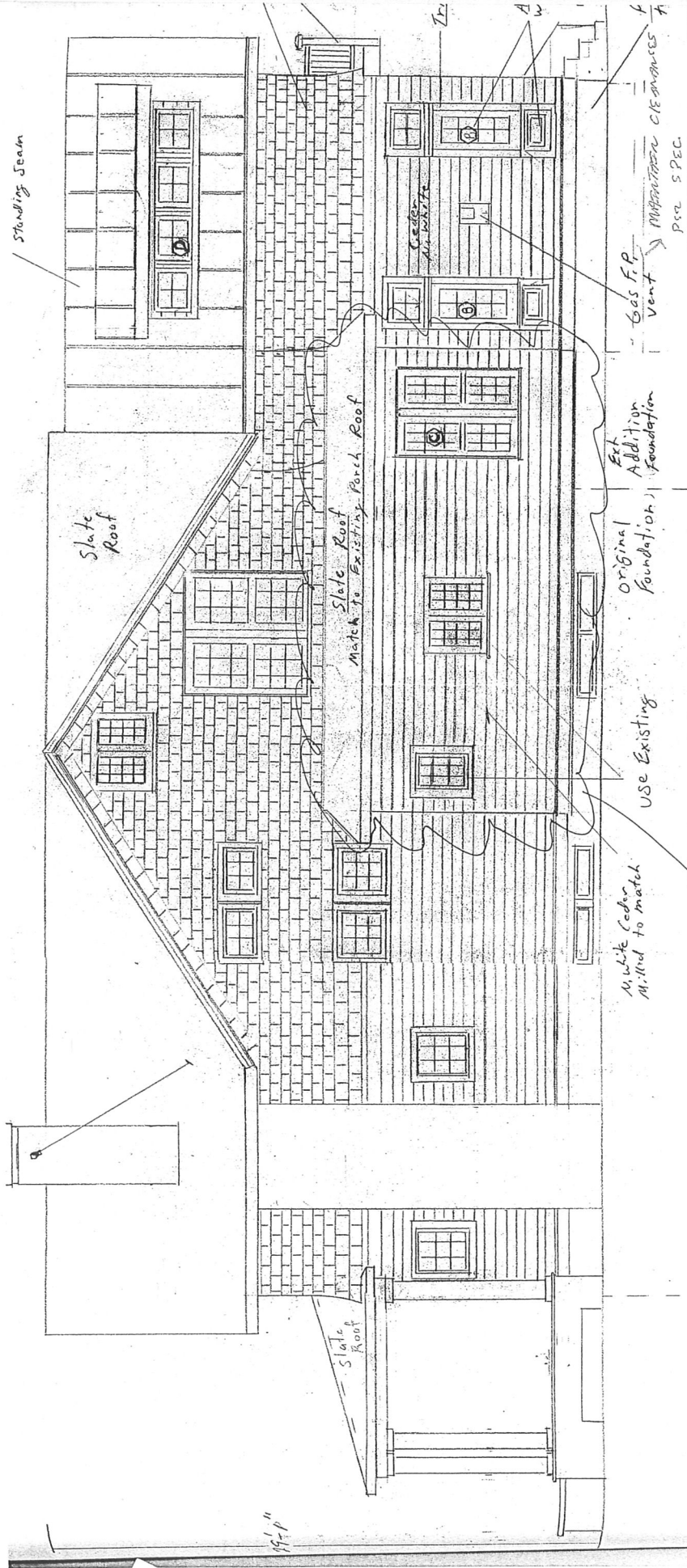
12" ENCROACHMENT

future Permit
Base Bay

(4 3/4" fascia bd.)

PROPERTY
LINE

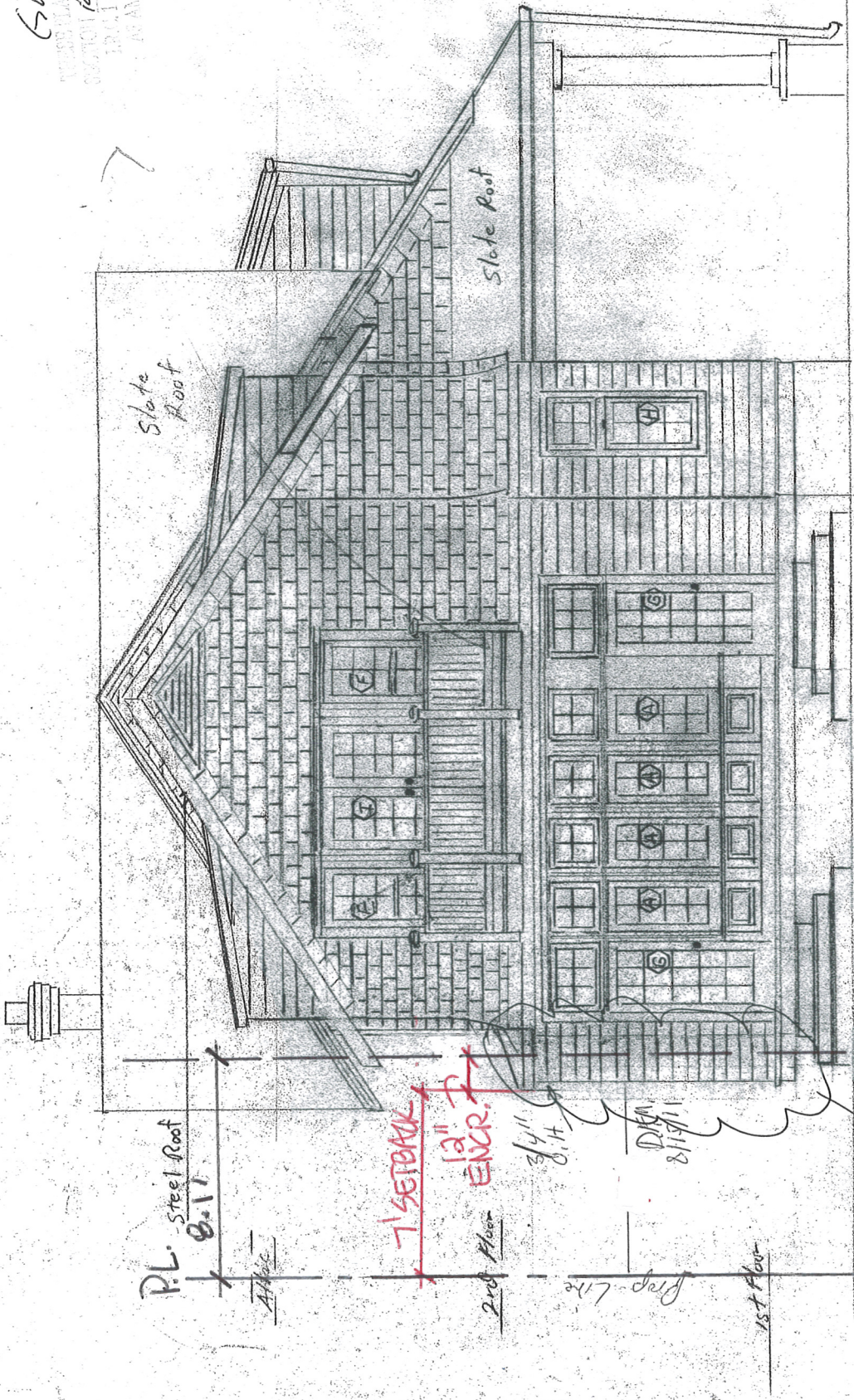
No Work
see Existing



Proposed Easi
 SCALE: 1/4" = 1'-0"
 DATE: 1/13/11
 APPROVED BY: NTS
 PER SPEC.

Future Box Bay
 Permit
 [Signature]

S. A. R. D. E. R. 2009
 12312
 12312



All window & doors new
 on this Elevation
 2 story wood frame a wood siding to match

future Deck Box
 Permit
 DPM 7/8/11

NTS Prepared SCALE: 1/4" = 1'-0" DATE: 4/21/10		APPROVED BY: [Signature] DATE: 4/21/10
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APPROVED
 Montgomery County
 Planning & Zoning Commission

